

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 20-10177-PBS
)	
AMIN KHOURY,)	
)	
Defendant)	

**GOVERNMENT OPPOSITION TO DEFENDANT’S
SUPPLEMENT TO MOTION TO CONTINUE TRIAL**

The defendant has filed another eve-of-trial continuance request, which appears to be little more than a bid to delay these proceedings for the benefit of his new trial counsel, whose motion for leave to appear was filed just days after the motion to continue (and immediately after the government filed its opposition). *Compare* Dkt. 183 (Motion for Leave to File Sealed Motion to Continue) *with* Dkt. 191 (Pro Hac Vice motion filed on May 6, 2022). In his initial motion, the defendant contended that a continuance was justified by his “personal health” situation (Dkt. 183) but failed to mention that the defense has been preparing this case for nearly two years, has already submitted a witness list, an exhibit list, and motions *in limine*, and has had the defendant available for in-person trial preparation since at least April 28, 2022 (not to mention for the nearly two years prior to his brief unavailability). Yesterday, the defendant asserted that the continuance is justified by another reason: the government’s recent production of documents. Dkt. 195. This time, the defendant failed to note that three-quarters of those documents, which consist of *his own phone records*, have always been available to the defense, but were obtained by the government just two

days before they were produced.¹ The defendant also cites the production of several FBI-302 reports, but fails to note that these reports total less than 10 pages, reflect witness interviews that were just conducted (between April 25 and May 3) during the course of trial preparation, and were produced some three weeks before trial. None of these issues justifies yet another continuance of the trial, which has already been delayed twice, in a case that was charged nearly two years ago.²

For these reasons, and the reasons previously set forth in the government's opposition to the motion to continue, the defendant's motion should be denied.

Respectfully submitted,

RACHAEL S. ROLLINS
United States Attorney

By: /s/ Christopher J. Markham
CHRISTOPHER J. MARKHAM
KRISTEN A. KEARNEY
Assistant United States Attorneys

¹ The bulk of the remaining documents are the phone records of a cooperating witness.

² The defendant also reiterates an amorphous "work product" claim that is the subject of a separate motion. Dkt. 193. The government will file an opposition to that motion in the coming days. In short, the defendant's claim is baseless, premised on misstatements of both fact and law, and provides no justification for a continuance.

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

Dated: May 12, 2022

s/ Christopher J. Markham
Christopher J. Markham
Assistant United States Attorney